

HOUSE No. 559

By Mr. Scibak of South Hadley, petition of John W. Scibak and others relative to the education of children who are deaf or hard of hearing. Education.

The Commonwealth of Massachusetts

PETITION OF:

John W. Scibak
John P. Fresolo
Edward M. Augustus, Jr.

Geraldo Alicea
Elizabeth A. Malia

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING A BILL OF RIGHTS FOR CHILDREN WHO ARE DEAF OR HARD OF HEARING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 6 of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by inserting after Section
3 198 the following section:—

4 Section 198A. The commission shall certify the sign language or
5 oral/aural communication proficiency of professionals and para-pro-
6 fessionals who are providing direct or related services pursuant to an
7 individualized education plan to deaf and hard of hearing pupils in
8 the school. For the purposes of this section, such direct and indirect
9 service providers shall include teachers of the deaf, speech thera-
10 pists, counselors, interpreters, teaching associates and others as
11 appropriate.

12 The department of education shall acknowledge the commission
13 certification awards or acceptance by the commission of other certi-
14 fying entities as meeting communication proficiency standards
15 within its certification process for said educational personnel.

16 No person shall be employed by a school district in any of the
17 positions enumerated herein who has not been certified, but the
18 department may issue a temporary certification effective for up to

19 three years-to an applicant seeking certification under the provisions
20 of this section, provided that the applicant is pursuing an educational
21 program to attain competence in communication.

1 SECTION 2. Section 1B of Chapter 69 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 inserting after the 22nd paragraph the following paragraph:—

4 The board shall provide information to schools, through referral
5 by the commission for the deaf and hard of hearing children's serv-
6 ices specialists or other appropriate persons concerning educational,
7 medical, cultural and linguistic issues of deafness and hearing loss to
8 meet the individual educational needs of deaf and hard of hearing
9 children.

1 SECTION 3. Section 38G of Chapter 71 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 inserting after the 20th paragraph the following two paragraphs:—

4 Competence in sign language or oral/aural communication shall
5 be a requirement for initial certification as a teacher of students who
6 are deaf or hard of hearing. Such competence shall be verified
7 through a communication proficiency assessment certification
8 process determined by the commission for the deaf and hard of
9 hearing.

10 Competence in interpreting shall be a requirement for initial certi-
11 fication by the department for educational interpreters. Such compe-
12 tence shall be determined by the commission for the deaf and hard of
13 hearing.

1 SECTION 4. Chapter 71B of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by inserting after
3 Section 3A the following section:—

4 Section 3B. As used in this section, the following terms shall have
5 the following meanings:—

6 “American sign language”, the visual/gestural language used by
7 deaf people in the United States and Canada, with semantic, syn-
8 tactic, morphological, and phonological rules which are distinct from
9 English;

10 “Deaf student”, an individual who has a severe or complete
11 absence of auditory sensitivity which adversely affects educational

12 performance and which is so severe that the student is impaired in
13 processing linguistic information through hearing, with or without
14 amplification;

15 “English sign systems”, sign systems developed for educational
16 purposes, which use manual signs in English word order; sometimes
17 with added affixes which are not present in American sign language;

18 “Hard of hearing student”, an individual who has some absence of
19 auditory sensitivity with residual hearing, whether permanent or
20 fluctuating, which adversely affects a child’s educational perfor-
21 mance but which is not included under the definition of “deaf stu-
22 dent” in this section;

23 “Individualized education plan (IEP)”, a written educational plan
24 developed for a student eligible for special education services pur-
25 suant to the Code of Massachusetts regulations and the federal Indi-
26 vidual with Disabilities Education Act, 20 U.S.C. § 1400 et seq;

27 “Primary communication mode, style, and language”, the commu-
28 nication mode, style, and language which is preferred by and most
29 effective for a particular student, as determined by appropriate lan-
30 guage assessment undertaken by individuals proficient in the com-
31 munication mode, style, or languages being assessed.
32 Communication mode may include one or more of the following
33 systems or methods of communication applicable to deaf or hard of
34 hearing children:—

- 35 (a) American Sign Language;
- 36 (b) English-based manual or sign systems; or
- 37 (c) Oral, aural, or speech-based training.

38 Children who are deaf or hard of hearing are entitled to appro-
39 priate screening and assessment of hearing and vision capabilities
40 and language and communication needs at the earliest possible age
41 and to the continuation of intermittent screening services throughout
42 their educational experience.

43 Children who are deaf or hard of hearing are entitled to early
44 intervention to provide for acquisition of a solid language base(s)
45 developed at the earliest possible age.

46 Children who are deaf or hard of hearing are entitled to have an
47 education in which their parents’/guardians’ full informed participa-
48 tion in determining the extent, content, and purpose of all their edu-
49 cational planning and programs.

50 Children who are deaf and hard of hearing are entitled to have an
51 education in which teachers of the deaf and hard of hearing, coun-
52 selors, psychologists, speech therapists, diagnostic personnel,
53 administrators, and other special education personnel understand the
54 unique nature of deafness and are specifically trained to work with
55 deaf and hard of hearing students.

56 Children who are deaf or hard of hearing are entitled to qualified
57 teachers, teacher aides, interpreters of the deaf and hard of hearing
58 who have a background in deafness, have demonstrated proficiency
59 in the preferred language mode of those children and are qualified
60 based on standards as set forth by the Massachusetts commission for
61 the deaf and hard of hearing.

62 Children who are deaf or hard of hearing are entitled to contact
63 with and to be exposed to adult role models who are deaf or hard of
64 hearing in their educational programs.

65 Children who are deaf or hard of hearing are entitled to receive an
66 education with a sufficient number of language mode peers with
67 whom they can communicate directly and who are of the same, or
68 approximately the same, age and ability level.

69 Deaf and hard of hearing children are entitled to have programs in
70 which they have direct and appropriate access to all components of
71 programs services of the educational process, including, but not lim-
72 ited to, extracurricular social and athletic activities.

73 Children who are deaf or hard of hearing are entitled to placement
74 best suited to their individual needs, including, but not limited to
75 age, hearing loss, academic level, mode(s) of communications, style
76 of learning, motivational levels and family support.

77 Children who are deaf or hard of hearing are entitled to benefit
78 from the development and implementation of state and regional pro-
79 grams for children with low incidence disabilities.

80 Children who are deaf or hard of hearing are entitled to up-to-date
81 technological devices and equipment, acoustic enhancements such as
82 carpeting in the classroom, assistive listening devices used alone or
83 in conjunction with a hearing aid such as audio loop and FM sys-
84 tems, visual technological support to the classroom and school
85 building.

86 Children who are deaf or hard of hearing are entitled to have the
87 public fully informed concerning medical, cultural, and linguistic
88 issues of deafness and hearing loss.

89 Each deaf or hard of hearing student shall have a determination of
90 the least restrictive environment that takes into consideration these
91 legislative findings and declarations.

1 SECTION 5. A person who is certified as a teacher of students
2 who are deaf or hard of hearing shall demonstrate continued compe-
3 tency in sign language or oral/aural communication for instruction as
4 a condition of renewal of certification in accordance with the provi-
5 sions of Section 38G of Chapter 71 of the General Laws, as
6 appearing in the 2004 Official Edition.

1 SECTION 6. The assessment for communication proficiency in
2 sign language and oral/aural communication accepted by the depart-
3 ment of education for certification of teachers of deaf or hard of
4 hearing students shall be determined or developed by the commis-
5 sion for the deaf and hard of hearing.

6 The assessment for interpreting proficiency in sign language or
7 oral/aural communication accepted by the department of education
8 for certification of educational interpreters of deaf or hard of hearing
9 students shall be determined or developed by the commission for the
10 deaf and hard of hearing.

1 SECTION 7. There is hereby established an advisory council on
2 the education of children who are deaf or hard of hearing consisting
3 of 14 members to be appointed by the board of education in consul-
4 tation with the commission for the deaf and hard of hearing, one of
5 whom shall have professional experience in using assistive tech-
6 nology; two of whom shall be educators of deaf or hard of hearing
7 students, one of whom shall be a regular and effective user of Amer-
8 ican Sign language and one of whom shall be a regular and effective
9 user of oral/aural or speech based English; two parents of deaf or
10 hard of hearing students, one of whom is a regular and effective user
11 of American sign language and one of whom is a regular and effec-
12 tive user of oral/aural or speech based English; two representatives
13 of the deaf and hard of hearing community, one of whom is a user of
14 American sign language and one of whom is a user of oral/aural or
15 speech based English; two administrators of college or university
16 teacher training programs, one of whom shall use American Sign
17 language and one of whom shall use oral/aural or speech based

18 English; an administrator of a college or university program in inter-
19 preter training; two administrators of programs or schools for deaf or
20 hard of hearing students, one of whom shall be an administrator of a
21 program which uses American Sign language, and one of whom
22 shall be the administrator of a program which uses oral/aural or
23 speech based English; one shall be a representative of the Massachu-
24 sets Registry of Interpreters for the deaf; and one shall be a repre-
25 sentative of the commission for the deaf and hard of hearing.

26 The council shall file a report with the clerk of the house of repre-
27 sentatives who shall forward the same to the joint committee on edu-
28 cation on the first Wednesday in July, of each year commencing with
29 July 5, 2000. Said report shall include, but not be limited to the
30 following:— the number of teachers certified pursuant to Section
31 38G of Chapter 71 of the General Laws, as appearing in the 2004
32 Official Edition, the number of deaf and hard of hearing students
33 accepting such instructions; the percentage and type of assistive
34 technology and other educational materials available, and such rec-
35 ommendations as it may make to improve the amount and variety of
36 such materials; and findings and recommendations concerning the
37 employment conditions of teachers of students who are deaf or hard
38 of hearing.